

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla
Canjilon Creek**

**Subfile Nos. CHNU-002-0012
CHCB-003-0004
CHCB-003-0005**

**WITHDRAWAL OF MOTION FOR DEFAULT JUDGMENT
AND MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW the plaintiff, State of New Mexico, *ex rel.*, State Engineer, by and through his attorneys and moves the Court to set aside the clerk's entry of default for defendants MARGIE ATENCIO, SILVIANO ATENCIO, PHYLLIS MADRID and JOSE M. MADRID filed August 23, 2002 (Docket No. 6826). As grounds therefor plaintiff states:

1. The Clerk's Certificate of Default with respect to Defendants Margie Atencio and Silviano Atencio (Subfile No. CHNU-002-0012), and Phyllis Madrid and Jose M. Madrid (Subfile Nos. CHCB-003-0004, CHCB-003-0005), was entered and filed with the Court on August 23, 2002 (Docket No. 6826).

2. The above named defendants have signed and approved Consent Orders with the State of New Mexico that will adjudicate their water rights by agreement.

3. The plaintiff hereby withdraws the Motion for Default Judgment filed on September 23, 2002 (Docket No. 6881) with respect to the above-named defendants, and only these defendants, in subfiles CHNU-002-0012, CHCB-003-0004 and CHCB-003-0005.

WHEREFORE, the plaintiff State of New Mexico requests the Court to set aside the entry of default for defendants Margie Atencio, Silviano Atencio, Phyllis Madrid and Jose M. Madrid and to enter the signed and approved Consent Orders in subfiles CHNU-002-0012, CHCB-003-0004 and CHCB-003-0005.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I certify that the foregoing Withdrawal of Motion for Default Judgment and Motion to Set Aside Entry of Default was mailed to the following persons on November 25th, 2002.

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